IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

MACA.No. 1390 of 2006()

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OPMV.1534/2000 of MOTOR ACCIDENT CLAIMS TRIBUNAL, IRINJALAKUDA

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APPELLANT/PETITIONER

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SANJEEV, S/O.NANU, ERAMPULLY
PARAMBIL HOUSE, MOONUMURY, MATTATHUR P.O.

BY ADV. SRI.M.SHAJU PURUSHOTHAMAN
SRI.K.S.RAJESH

RESPONDENTS: RESPONDENTS

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(*)1. SANTHI PADMAKUMARAN,
POLICE QUARTERS MM NO. 122,
R.V.PURAM, THRICHUR. (DELETED)

2. ANILKUMAR,
S/O.KUNJAPPAN, CHEMMATHIPARAMBIL HOUSE,
MALAYATTOOR, ALUVA.

3. THE MANAGER,
THE UNITED INDIA INSURANCE CO. LTD.,
ALUVA.

(*)(FIRST RESPONDENT IS DELETED FROM THE PARTY ARRAY AT THE RISK OF THE APPELLANT VIDE ORDER DATED 25.6.2007 ON IA NI.1209/2007)

R3 BY ADV. SRI.P.MURALEEDHARAN

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON 9/8/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**K. PADMANABHAN NAIR ,J**

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**M.A.C.A.No.1390 of 2006**

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**Dated, this the 9th day of August, 2007**

**JUDGMENT**

Petitioner in O.P.(MV) No.1534/2000 on the file of the Motor Accidents Claims Tribunal, Irinjalakuda is the appellant. Short facts necessary for the disposal of the appeal are as follows: Appellant was a passenger in KSRTC bus bearing registration No.TA 625 (KL-15/1659). A road traffic accident involving that bus and a lorry bearing registration No. KL-8/M 9549 took place and the appellant sustained injuries. Appellant filed claim petition impleading owner, driver and insurer of the lorry alleging that the accident occurred due to the negligence of the driver of the lorry. Tribunal accepted that case and awarded compensation of Rs.23,229/- with 6% interest per annum. According to the appellant the compensation awarded is too low and hence this appeal.

2. The findings of the Tribunal that the accident occurred due to the negligence of the driver of the lorry, the appellant is entitled to get compensation and the insurer is liable to pay compensation, etc. have become final and conclusive. The only question arising for consideration in this appeal is whether the appellant is entitled to any additional compensation. The appellant was awarded an amount of Rs.5,000/- for pain and suffering. I am of the view that the Tribunal ought to have awarded at least Rs.7,500/- on that count. So the appellant is entitled to get an additional compensation of Rs.2,500/- towards pain and

suffering. Tribunal awarded Rs.10,200/- for disability. I am of the view that the Tribunal ought to have awarded Rs.5,000/- more on that count. The appellant is entitled to get an additional compensation of Rs.7,500/- with 6% interest per annum.

In the result, appeal is allowed in part. An award is passed in favour of the appellant allowing him to recover additional compensation of Rs.7,500/- with 6% interest per annum from the date of petition till the date of realisation. Insurer is directed to deposit that amount. On deposit the appellant can withdraw the entire amount.

**K. PADMANABHAN NAIR**
**JUDGE**

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